

PORT OF HOUSTON AUTHORITY

EXECUTIVE OFFICES: 111 EAST LOOP • HOUSTON, TEXAS 77029-4327
MAILING ADDRESS: P.O. BOX 2562 • HOUSTON, TEXAS 77252-2562
TELEPHONE: (713) 670-2400 • FAX (713) 670-2429



Linda Henry
ASSOCIATE GENERAL COUNSEL
(713) 670-2663

January 20, 2010

VIA EMAIL

Mr. Albert R. Axe, Jr.
Winstead PC
401 Congress Avenue
Suite 2100
Austin, TX 78701
aaxe@winstead.com

Re: San Jacinto River Waste Pits-Access Agreement

Dear Mr. Axe:

This letter is an addendum to our letter to you of December 16, 2009 relating to entry onto the Site by Grantees. Plans are currently being made to erect a fence to restrict public access to the Site; these plans provide for the fence to be partially erected in the waters of the San Jacinto River; more specifically, until a water depth of 2' is reached. Attached is a drawing that outlines the planned location of the fence.

The Port of Houston Authority ("PHA") has been asked whether it has any objection to construction of the fence into the water as outlined on the attached drawing. To the extent that the PHA has any interest in the submerged sediments in the San Jacinto River, it has no objection to construction of the fence as planned and outlined on the attached drawing, subject to the same conditions and limitations set forth in its letter to you of December 16, 2009. Grantees may contact Garry McMahan in the PHA's Channel Development Department at 713-670-2594 for additional information or if they have any questions.

Very truly yours,

A handwritten signature in cursive script that reads 'Linda Henry'.

Linda Henry

Attachment

cc: Ms. Barbara Nann
U.S. EPA, Region 6
Office of Regional Counsel
Superfund Branch (6RC-S)
1445 Ross Avenue
Dallas, TX 75202-2733
Nann.Barbara@epamail.epa.gov

Mr. Stephen Tzhone
U.S. EPA, Region 6
1445 Ross Avenue
Suite 1200
Mail Code: 6SF-RA
Dallas, TX 75202-2733
tzhone.stephen@epamail.epa.gov

Mr. Francis E. Chin
McGinnes Industrial Maintenance Corporation
1001 Fannin Street, Suite 4000
Houston, TX 77002

Mr. John F. Cermak, Jr.
Baker Hostetler
12100 Wilshire Boulevard
15th Floor
Los Angeles, CA 90025-7120
jcermak@bakerlaw.com

Snehal Patel
Harris County Attorney's Office
Snehal.Patel@cao.hctx.net